

FISH & RICHARDSON P.C.

1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005

Telephone
202 783-5070

Facsimile
202 783-2331

Web Site
www.fr.com

22141 U.S. PTO
10/712006
111403

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

November 14, 2003

Attorney Docket No.: 14170-038006

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Presented for filing is a new continuation patent application of:

Applicant: HUGH R. SHARKEY, JOHN E. ASHLEY, JOEL SAAL, JEFFREY A.
SAAL AND LE T. LE

Title: METHOD FOR TREATING INTERVERTEBRAL DISC

Enclosed are the following papers, including those required to receive a filing date under 37 CFR §1.53(b):

	<u>Pages</u>
Cover Sheet	1
Specification	38
Claims	7
Abstract	1
Declaration	4
Drawing(s)	11

Enclosures:

- Information Disclosure Statement 2 pages; and form 1449 11 pages
- Postcard.

This application is a continuation (and claims the benefit of priority under 35 USC 120) of U.S. application serial no. 10/388,609, filed March 17, 2003, which is a continuation of U.S. patent application Serial No. 09/707,627, filed, November 6, 2000, now U.S. Patent No. 6,547,810, which is a continuation of U.S. application Serial No. 09/236,816, filed January 25, 1999, now U.S. Patent No. 6,290,715, which is a continuation of (i) U.S. application Serial No. 09/162,704 filed September 29, 1998, now U.S. Patent No. 6,099,514, (ii) U.S. patent application Serial No. 09/153,552 filed September 15, 1998, now U.S. Patent No. 6,126,682, and (iii) U.S. patent application Serial No. 08/881,525, now U.S. Patent No. 6,122,549, U.S. patent application Serial No. 08/881,692, now U.S. Patent No. 6,073,051, U.S. patent application Serial No. 08/881,527, now U.S. Pat. No. 5,980,504, U.S. patent application Serial No. 08/881,693, now U.S. Pat. No. 6,007,570, and U.S. patent



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Commissioner for Patents

November 14, 2003

Page 2

application Serial No. 08/881,694, now U.S. Pat. No. 6,095,149, each filed June 24, 1997, claiming priority from provisional application Nos. 60/047,820, 60/047,841, 60/047,818, and 60/047,848, each filed May 28, 1997, provisional application No. 60/045,941, filed May 8, 1997, and provisional application Nos. 60/029,734, 60/029,735, 60/029,600, and 60/029,602, each filed Oct. 23, 1996. This application is a continuation-in-part of U.S. patent application Serial Nos. 09/876,833, 09/876,832, and 09/876,831, each filed June 6, 2001. This application is a continuation-in-part of U.S. patent application Serial No. 10/624,894, filed July 23, 2003, which is a divisional of U.S. patent application Serial No. 09/753,786, filed January 2, 2001, now U.S. Patent No. 6,645,203, which is a continuation-in-part of U.S. patent application Serial No. 09/022,688, filed February 12, 1998, now U.S. Patent No. 6,168,593, which claims priority from provisional application No. 60/037,620, filed February 12, 1997. This application is a continuation-in-part of U.S. patent application Serial No. 10/242,777, filed September 13, 2002, which is a divisional of U.S. patent application Serial No. 09/340,065, filed June 25, 1999, now U.S. Patent No. 6,461,357, which is a continuation-in-part of U.S. patent application Serial No. 09/022,612, filed February 12, 1998, now U.S. Patent No. 6,135,999, which claims priority from provisional application No. 60/037,782, filed February 12, 1997. This application is a continuation-in-part of U.S. patent application Serial Nos. 09/776,231 and 09/776,186, both filed February 1, 2001, both of which are divisionals of U.S. patent application Serial No. 09/272,806, filed March 19, 1999, now U.S. Patent No. 6,258,086, which claims priority from provisional application No. 60/078,545, filed March 19, 1998. This application is a continuation-in-part of U.S. patent application Serial No. 09/884,859, filed June 18, 2001, which is a continuation of U.S. patent application Serial No. 09/792,628, filed February 22, 2001, which claims priority from provisional application No. 60/185,221, filed February 25, 2000. This application is a continuation-in-part of U.S. patent application Serial No. 09/664,473, filed September 18, 2000, which is a continuation of U.S. patent application Serial No. 08/696,051, filed August 13, 1996, now abandoned. All of the above-mentioned applications are incorporated herein by reference in their entirety.

Basic filing fee	\$770
Total claims in excess of 20 times \$18	\$234
Independent claims in excess of 3 times \$86	\$860
Fee for multiple dependent claims	\$0
Total filing fee:	\$1864

Please apply the filing fee and any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above. A duplicate copy of this transmittal letter is attached.

FISH & RICHARDSON P.C.

Commissioner for Patents

November 14, 2003

Page 3

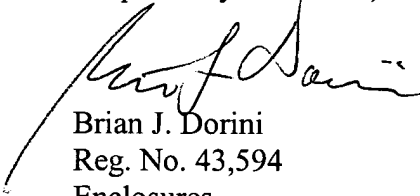
If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (202) 783-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

Joel R. Petrow, Esq.
Smith & Nephew, Inc.
1450 Brooks Road
Memphis TN 38116

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian J. Dorini", is written over the typed name and registration number.

Brian J. Dorini
Reg. No. 43,594
Enclosures
BXD/lyh
40188076.doc